

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:02-CR-16 CAS
)	
RASHEEN JOHNSON,)	
)	
Defendant.)	

ORDER


This closed criminal matter is before the Court on a letter from Rasheen Johnson received September 5, 2006, which the Court construes as a motion for extension of time for plaintiff to file a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence.¹

This Court has no authority to grant plaintiff additional time to file a motion under section 2255 past the one-year time limitation contained in the statute. See United States v. Herrera-Zaragosa, 84 F. App'x 728 (neither the district court nor the Court of Appeals has authority to permit the filing of a section 2255 motion out of time); 28 U.S.C. § 2255 (one-year limitation period). Additionally, the Court notes that Johnson filed a motion under 28 U.S.C. § 2255 on September 12, 2006, making the present motion moot. See Johnson v. United States, No. 4:06-CV-1363 CAS (E.D. Mo.).

¹Defendant's letter states in pertinent part, "I know I have a deadline for November for my 2255. That comes to your court room . . . I wanted to ask for a extention [sic] or could you let me know something to do so that I don't loose [sic] my rights"

Accordingly,

IT IS HEREBY ORDERED that defendant's letter received September 5, 2006, construed as a motion for extension of time to file a section 2255 motion, is **DENIED as moot**. [Doc. 102]

A handwritten signature in cursive script, appearing to read "Charles A. Shaw", written in dark ink. The signature is fluid and extends to the right with a long horizontal stroke.

CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 19th day of September 2006.

